

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Thursday, May 22, 2014, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 13-17 (Brownstein Commons, LP – Consolidated PUD & Related Map Amendment @ Square 5933, Lots 46-49 and Square 5934, Lots 17, 18, & 806)

THIS CASE IS OF INTEREST TO ANC 8C and ANC 8E

On December 13, 2013, the Office of Zoning received an application from Brownstein Commons, LP (the “Applicant”). The Applicant is requesting approval of a planned unit development (PUD) and a related Zoning Map Amendment application. The Office of Planning provided its report on January 31, 2014, and the case was set down for hearing on February 10, 2014. The Applicant provided its prehearing statement on March 5, 2014.

The property that is the subject of this application consists of approximately 7.46 acres of land area and consists of two parcels (Square 5933, Lots 46, 47, 48 and 49; and Square 5934, Lots 17, 18, and 806). The larger parcel is bound by Mississippi Avenue, S.E. to the south, 13th Street, S.E. to the east, Trenton Place, S.E. and 11th Place, S.E. to the north and 10th Place, S.E. to the west. The smaller parcel is located immediately to the west of the larger parcel across 10th Place, S.E. The smaller parcel is bound by Mississippi Avenue, S.E. to the south, 10th Place, S.E. to the east, the M.C. Terrell/McGogney Elementary School to the west, and the Eagle Academy Charter School to the north. The property is zoned R-5-A and the Applicant is seeking to rezone the property to the R-5-B Zone District.

The Applicant proposes the development of a PUD project that includes a residential community of for-sale townhouses and rental apartments. The PUD project will consist of approximately 190 residential units included in two multi-family buildings located along Mississippi Avenue, S.E. which will be connected by a one-story amenity building. The multi-family residential units will vary in size from efficiencies - two bedrooms. Ten of the residential units in the multi-family buildings will be reserved as permanent supportive housing units which will be provided supportive services from Community of Hope. The proposed multi-family residential buildings will be approximately 55 feet in height and will include approximately 230,000 square feet of gross floor area. Vehicular access to these buildings will occur from 10th Place, SE and from 13th Street, S.E.

The 74 townhouses included in this project will have frontage along 10th Place, S.E., 11th Place, S.E., Trenton Place, S.E. and Mississippi Avenue, S.E. The townhouses will be 16 foot wide with 3 bedrooms, and will be approximately 40 feet tall (with flexibility as needed to accommodate some minor variation in the measured building heights depending on the grade

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changes throughout the site). Vehicular access to the townhouses that have frontage along Trenton Place, S.E. 11th Place, S.E. and some townhouses on 10th Place, S.E. will occur via a private alley that has access from 13th Street, S.E. and from the public alley located between 10th Place, S.E. and 11th Place, S.E. The townhomes with frontage along the eastern side of 10th Place, S.E. will have access to parking spaces from a new curb cut on 10th Place, S.E. The townhomes located along Mississippi Avenue, S.E. and the western side of 10th Place, S.E. will have vehicular access from a private alley located off of 10th Place, S.E.

The multifamily rental building will reserve 5% of the units for households earning up to 50% of the area median income (“AMI”) and the remaining units will be reserved for households earning up to 60% of AMI. Ten percent of the for-sale townhomes will be set aside as the required Inclusionary Zoning units, half of these townhomes will be reserved for households earning up to 50% of AMI and the other half for households earning up to 80% of AMI. The Floor Area Ratio (“FAR”) for the entire PUD project will be approximately 1.31 and will have an overall lot occupancy of approximately 48%. The PUD will include 202 parking spaces.

The R-5-B Zone District permits a maximum density of 1.8 FAR as a matter-of-right and 3.0 in a PUD project. The maximum height allowed as a matter-of-right in the R-5-A Zone District is 50 feet. A PUD project in the R-5-B Zone District permits a maximum height of 60 feet.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact the Office of Zoning at dcoz@dc.gov or at (202) 727-6311.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning's website at: <http://dcoz.dc.gov/services/app.shtm>.** This form may also be obtained from the Office of Zoning at the address stated below.

If an affected Advisory Neighborhood Commission (ANC), pursuant to 11 DCMR 3012.5, intends to participate at the hearing, the ANC shall also submit the information cited in § 3012.5 (a) through (i). The written report of the ANC shall be filed no later than seven (7) days before the date of the hearing.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

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| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 60 minutes collectively |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, MARCIE I. COHEN, ROBERT E. MILLER, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.